

No. 350, dated the 11th April, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-80-3Lab-79/6265.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the management of M/s India Steel Corporation Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 110 of 1978

between

SHRI RAJA RAM, WORKMAN AND THE MANAGEMENT OF M/S. INDIA STEEL
CORPORATION, MATHURA ROAD, FARIDABAD.

Present :—

Shri P. K. De, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/17297, dated 4th May, 1978, the Governor of Haryana referred the following dispute between the management of M/s India Steel Corporation Mathura Road, Faridabad and its workman Shri Raja Ram, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Raja Ram was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On pleadings of the parties, following issues were framed on 3rd July, 1979 :—

1. Whether the termination of services of the workman was justified and in order?
2. Whether the workman abandoned his job by absenting himself?
3. Relief.

And the case was fixed for the evidence of the management. The management examined their Accountant Shri Prem Chand as MW-1 who deposed that the workman used to work as a helper. The workman remained absent from 26th October, 1977 to 12th November, 1977. Thereafter his name was struck off. He produced extract from attendance register Ex. M-1 and M-2. He also proved other documents Ex. M-2 and M-12. In cross examination he stated that the nine other workmen were also present from 26th October, 1977 to 28th October, 1977 and two were absent on 30th October, 1977 and six were absent on 31st October, 1977. No other was marked absent on 1st November, 1977 except the workman and another named Shri Rajinder. He denied that they did not take the workman on duty. They sent letters to the workman on the address given by workman MW-2 brought the file of declaration form and the address of the workman. MW-2 is a clerk of the ESI local office. He stated that they received information from the management that this factory has been closed. He also proved Ex. MW-2/1 and Ex. MW 2/1. The management had closed their case. Than the case was fixed for the evidence of the workman. The workman examined himself as WW 1 and closed his case. The workman stated that the management terminated his services for trade union activities and conciliation proceedings had taken place. In cross examination he could not say whether the factory was closed or not. He denied that he

had struck work from 26th October, 1977. He admitted that those who gave signatures to the management were reinstated by them, the management had asked to sign on blank papers. Other had signed and he did not. I have heard arguments. Ex. M-1 and M-2 are the extract from the attendance register. The workman is marked absent on 3rd October and half day of 8th October, and 12th October, and on 18th October, and from 26th October, 1977 to 12th November, 1977. Thereafter his name has been struck off. The workman remained continuously absent for 17 days including holidays. The management has sent letters to the workmen which are Ex. M-9, M-11 by registered post with A. D. which have been received back. Postal receipts are Ex. M-6 and M-7. The letter asking the workman to resume their duty is Ex. M-4, dated 1st November, 1977. It was addressed to eight workmen including the workman concerned. Similar is Ex. M-5 sent under postal receipt Ex. M-8 which is dated 1st November, 1977 addressed to the workman asking the workman to join duty within 24 hours. Ex. M-13, M-14 are conciliation proceedings. Ex. MW-2/2 is a letter (copy) from the partner to the Manager ESI Corporation Faridabad. It is attested copy. The management had informed by this letter Ex. MW-2/2 that the factory had been closed with effect from 31st October, 1979. Ex. MW-2/1 is declaration form relating to ESI. Ex. W-1 to W-3 are photostat copies of ESI records. Ex. W-4 and W-5 are conciliation proceedings. The management have asked the workman to join his duty, but the workman did not join. The management asked eight workman to join duty. Although the workman denied suggestion that he was not on strike but the evidence show that when other workmen were also absent for two days which seemed to be a concerted action on the part of the workman. The factory has also been closed. The evidence show that the workman absented himself from duty for 17 days and thus abandoned his job as per Standing Orders. Other workmen were also absent for two days only but thereafter they reported for work and the management took them on duty. The management did not terminate the services of the workman. The workman is not entitled to any relief.

The 8th April, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 353, dated 11th April, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-80-3Lab/6267.—In pursuance of the provision of section 17 of the Industrial Dispute Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Top Style Apparels, Pvt. Ltd., 9-E, Sector 6, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 360 of 1978

between

SHRI RAM KISHAN, WORKMAN AND THE MANAGEMENT OF M/S. TOP STYLE
APPARELS, PVT. LTD., 9-E, SECTOR 6, FARIDABAD

Present :—

SHRI C. L. Oberoi, for the workman.

None, for the management.

AWARD

1. By order No. ID/40-B-78/38501, dated 22nd August, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Top Style Apparels, Pvt. Ltd., 9-E, Sector 6, Faridabad and its workman Shri Ram Kishan, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ram Kishan was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 9th February, 1979 :-

1. Whether the termination of services of the workman was justified and in order?
2. If not, to what relief is he entitled?

And the case was fixed for the evidence of the management. The representative for the management gave an application that the factory has been closed and the liquidator has been appointed which was fixed for reply. Reply was filed. Notice to the liquidator was ordered. Service was not effected on him. The liquidator has reported that he was appointed only for taking possession of the property and for none else and that the Directors still functioned. Then again registered notice to the management was ordered. The workman was asked to file new address of the management which he filed. Notice was sent by registered A. D. to the management. The report was that the management did not reside there. Communication from the liquidator is on another file bearing reference number 302 of 1978. Several times registered notices were sent but were returned. The Managing Director did not appear, nor the management appeared. Hence proceedings against the management were taken *ex-parte* and the case was fixed for *ex-parte* evidence of the workman. The workman examined himself that he was appointed in this factory on 20th August, 1976 at Rs. 255 per month as production assistant and the management removed him from service with effect from 15th April, 1978 without any justification or without any domestic enquiry and the workman was unemployed since then. I, believe in the *ex-parte* statement of the workman. The company has gone in liquidation, so the question of reinstatement of the workman does not arise, but the services of the workman were terminated without any justification, as per the *ex-parte* evidence of the workman, the workman is entitled to receive from the management full back wages from 15th April, 1978 till the factory function and was not closed.

Dated, the 8th April, 1980.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana Faridabad.

Endst. No. 354 dated 11th April, 1980.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana Faridabad.

The 29th April, 1980

No. 11(112)80-3/Lab/6392.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/S Modern Engineering Company, Sector-4, Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,

HARYANA FARIDABAD

Reference No. 89 of 1979

between

SHRI GIA PRASHAD WORKMAN AND THE MANAGEMENT OF M/S MODERN
ENGINEERING COMPANY, SECTOR-4, FARIDABAD

Present:

Shri R. L. Sharma, for the workman.

Shri G. S. Chaudhary, for the management.

AWARD

This reference No. 89 of 1979 has been referred to this court by the Hon'ble Governor of Haryana *vide*,—this order No. ID/FD/123-79/38716, dated 27th December, 1979, under

section 10 (1) (c) of the Industrial Dispute Act, for adjudication the dispute existing between Shri Gia Prashad workman and the management of M/s Modern Engineering Company, sector 4, Ballabgarh. The terms of the reference was :—

Whether the termination of services of Shri Gia Prashad was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued both the parties appeared before this court through their authorised representative. To-day, the case was fixed for framing of the issues when the representative of the management made a statement that the workman has resigned from the service of the respondent company and he has duly received a sum of Rs. 350/- (Rs. three hundred and fifty only) in full and final payment of his outstanding dues. He executed the receipt to this effect and the copy of the documents are Ex.M1 and M2 which were placed on the file.

The above said facts was admitted by the representative of the workman in this court on that day and he signed his statement agreeing to the above statement. He also stated that he does not further want to pursue this reference on behalf of the workman.

In view of the above statement of the above parties, I give my award accordingly and held that there is no dispute left between the parties to this award is in answer to this reference.

The 16th April, 1980

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana, Faridabad.

Endorsment No. 643, dated 23rd April, 1980

Forwarded (four copies), to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 11(112)-80-3Lab/6479.—In pursuance of the provision of section 17 the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s the Kenapo Textiles Private Limited, Sector-6, Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 71 of 1979

Between

SHRI RAM CHARAN WORKMAN AND THE MANAGEMENT OF M/S. THE KENAPO
TEXTILES, PRIVATE. LIMITED., SECTOR-6, FARIDABAD

Present.—

Shri Ram Charan workman in person alongwith Shri R. L. Taneja.

Shri S. K. Gupta & Shri K. P. Aggarwal, for the management.

AWARD

This reference No. 71 of 1979 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/80-49/52629, dated 12th December 1979, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication the dispute existing between Shri Ram Charan workman and the management of M/s The Kenapo Textiles Private Limited, Sector-6, Faridabad. The terms of the reference was :—

Whether the termination of services of Shri Ram Charan was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were issued to both the parties and both the parties appeared before this court through their authorised representatives and filed their pleadings. On the pleadings of the parties, the following issues were framed on 12th February, 1980 :—

(1) Whether the termination of services of the workman is justified and in order? If not, to what relief is he entitled?

No other issues pressed by the parties. On 2nd April, 1980 one witness was examined as MW-1 of the management and the case was fixed for remaining evidence of the management, to-day the case was fixed for remaining evidence of the management when the representative of the management made a statement that the workman Shri Ram Charan has mutually settled his dispute with the management and has agreed to take Rs 8,050 (Rs Thousand and fifty only) in full and final settlement of his entire claims. He also foregoes his right of re-instatement or re-employment. Rs. 5,150 has been paid to Shri Ram Charan workman in cash before this court today while the balance amount he will collect from the authority, under the Payment of wages Act, 1936, Ballabgarh, with whom the management has already deposited the amount. Now no claim is left. This statement was dully agreed to by the workman himself and his authorised representative. The workman has also made a statement that he has settled his case reference dispute with the management and has agreed to take Rs. 8,050 in full and final settlement of all his claims including the right of re-instatement or re-employment. He has taken Rs. 5,150 in cash today and the remaining he will collect from the authority, under the Payment of Wages Act, 1936, Ballabgarh.

In view of the statement of both the parties, I give my award that there is no dispute between the parties. The workman had also foregone his right of re-instatement or re-employment and has received all his dues from the management. The workman is not entitled to any relief.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Dated 18th April, 1980.

Endstt. No. 646, dated 23rd April, 1980

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

H. L. GUGNANI, Secy.

DEVELOPMENT AND PANCHAYAT DEPARTMENT

Chandigarh, dated the 8th May, 1980

No 2335-2ECDI-80/3059.—The following Block Development and Panchayat Officers have passed/failed in the Departmental Examination held in February, 1980 in paper/group as indicated against each :—

Serial No.	Name of the Officers	Group-I		Group-II	Group-III
		Paper A	Paper B		
1	2	3	4	5	6
1.	Virender Singh Malik, B.D.P.O. Rania	pass	pass	fail	pass
2.	Manjeet Singh Dhir B.D.P.O. Gohana	pass	—	—	—
3.	Ram Lal	pass	pass	fail	fail
4.	Prem Chand, B.D.P.O. Tohana	pass	—	fail	—
5.	Sharjang Malhan, B.D.P.O. Naraingarh	pass	—	—	—
6.	Raj Kumar Ravish, B.D.P.O. Jogadhri.	pass	pass	fail	pass

1	2	3	4	5	6
7.	Dalbir Singh, B.D.P.O. Chiri	fail	pass	fail	pass
8.	Rajeshwar Dayal, B.D.P.O. Jind.	fail	pass	fail	fail
9.	Bhola Ram, B.D.P.O. Kathura	fail	fail	fail	fail
10.	Shyam Kumar, B.D.P.O. Narnaul	pass	-	fail	-
11.	Vijay Singh, B.D.P.O. Jhajjar	—	fail	—	—
12.	Ramesh Chand Gupta,	—	fail	fail	—
13.	Balwan Singh Bhakar, B.D.P.O., Dadri-II	—	—	fail	—
14.	Lekh Chand, Sharma, B.D.P.O. Julana	—	—	fail	—
15.	Roshan Lal, B.D.P.O. Hansi-II.	—	—	fail	—
16.	Ramkrishan Malik, B.D.P.O., Sampla.	—	—	fail	—
17.	Davender Singh, Kandal, B.D.P.O., Punderi.	—	—	fail	—

SUKHDEV PRASAD, Secy.